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IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF CALIFORNIA

SOFIA CAMPOS-RIEDEL, et al

Case No.: 02CV878 DFL JFM

Plaintiffs,

v.

BUTTE COUNTY, BUTTE COUNTY
DEPARTMENT OF EMPLOYMENT AND
SOCIAL SERVICES, et al

Defendants.

**MOTION FOR ORDER AUTHORIZING
PETITIONER TO SEEK A TRANSFER OF
THE STRUCTURED SETTLEMENT
PAYMENT RIGHTS BY AND BETWEEN
AMANDA J. AND J.G. WENTWORTH
ORIGINATIONS, LLC, PURSUANT TO
CALIFORNIA INSURANCE CODE § 10134
ET SEQ. BEFORE THE PLACER
COUNTY SUPERIOR COURT**

Date:
Time:
Dept: TBD

COMES NOW J.G. Wentworth Originations, LLC, by the undersigned counsel, which respectfully moves this Court pursuant to §§ 10134 et seq. of the California Insurance Code, as amended, for an order allowing this matter to proceed in the County of Placer.

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I.

INTRODUCTION

1. That on or about July 20, 2005, Transferor, Amanda James, by and through her court appointed Guardian ad Litem Sophia Campos-Riedel, entered into a Settlement Agreement of a claim for damages arising in connection with a personal injury claim;

2. That the settlement agreed to by the Transferor provides for periodic structured payments including, but not limited to, A) 1 payment of \$2,000.00 on October 2, 2016; B) 1 payment of \$2,000.00 on October 2, 2017; C) 1 payment of \$40,000.00 on October 2, 2021; That the “annuity issuer” who has issued an insurance contract used to fund the structured settlement payments is Allstate Life Insurance Company;

3. That the “structured settlement obligor” with respect to the aforementioned structured settlement payments is Allstate International Assignments Ltd;

4. That Transferor, Amanda James, has agreed to sell, and Transferee, J.G. Wentworth Originations, LLC, has agreed to purchase certain monthly, lump sum, annual etc. payments as referenced within their proposed Purchase Agreement attached as Exhibit A.

5. As is customary, the Settlement Agreement or Order Approving Compromise of Disputed Claim entered into by Ms. James contains anti-assignment language. The Order is filed with this motion as Exhibit B and the Annuity Contract as Exhibit C. The anti-assignment language is as follows:

“...None of the periodic payments (including the Claimant’s or Payee’s rights to such payments), or any portion thereof, may be accelerated, deferred, increased or decreased, anticipated, sold, assigned, pledged, or encumbered by the Payee (or by any other person who becomes recipient of periodic payments pursuant to the terms of the Non-Qualified Assignment Agreement or by operation of law), except as pursuant to a qualified order under IRC Section 5891, and amended.”

6. While the California courts have found that such language is unenforceable to bar the transfers of structured settlement payments (see 321 Henderson Receivables, LLC v. Sioteco (2011))

1 173 Cal.App.4th 1059, 1074), the annuity issuer, Allstate Life Insurance Company, has requested that
2 prior to the Petition being heard in the County of Placer (the current county of residence for Ms.
3 James), that the United States District Court for the Eastern District of California court issue an
4 order permitting the Petition to be heard in Placer County and in the county in which Ms. James
5 resides.

6 7. By this application, J.G. Wentworth is not asking nor seeking to have this Court
7 approve the proposed transfer. That decision will rest with a judge in the county of Placer where
8 Ms. James resides in the state of California.

9 8. Rather, J.G. Wentworth Originations, LLC merely seeks this Court's approval to
10 proceed in Placer County on the current matter or any others in the future regarding Ms. James' sale
11 of structured settlement payments emanating from the Order Approving Compromise of Disputed
12 Claim of Minor's Amanda J. and Samantha W.

13
14 **II.**

15 **CONCLUSION**

16 Petitioner respectfully requests that this Court enter an Order allowing the Superior Court in
17 Placer County in which Ms. James resides in the State of California to hear this matter.

18 Dated: July 23, 2015

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20 Matthew R. Eason, Esq.
21 Counsel for Petitioner,
22 J.G. Wentworth Originations, LLC
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